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WESTERN DISTRICT OF LOUISIANA

ERIC W. DAVIS a/k/a

WILLIAM CHESTER BLANCHARD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

CIVIL ACTION NO. 05-2217-LC
SECTION P

VS.

JUDGE MINALDI

TONY MANCUSO, ET AL

MAGISTRATE JUDGE WILSON

JUDGMENT

There being no objection to the proposed findings of fact and conclusions of law in the Report and Recommendation of the Magistrate Judge previously filed herein these findings and conclusions are accepted. Alternatively, this court concludes that the proposed findings and conclusions are entirely correct. Accordingly,

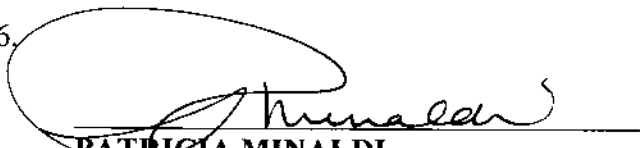
IT IS ORDERED that plaintiff's civil rights action is **DISMISSED WITHOUT PREJUDICE**, *sua sponte*, under 42 U.S.C. §1997e for plaintiff's failure to exhaust available administrative remedies prior to the filing of suit.

IT IS ALSO ORDERED that plaintiff's claims against the Calcasieu Parish Sheriff's Department be **DISMISSED WITH PREJUDICE** as such lack an arguable basis in law and are frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and 1915A(b)(1).

IT IS FURTHER ORDERED that plaintiff's claims of excessive force made against the unidentified Calcasieu Parish Sheriff's Deputies remain pending at this time.

THUS DONE AND SIGNED, in chambers, in Lake Charles, Louisiana, on this the

15 day of Sept, 2006.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE